

BOARD OF CODE STANDARDS AND APPEALS

MINUTES

January 8, 2007

Members: Francisco Banuelos, Randy Coonrod, Randy Harder, Richard Hartwell, Bernie Hentzen, Gerald Herzberg, Ed Murabito, Warren Willenberg, John Youle

Present: Banuelos, Coonrod, Hartwell, Hentzen, Herzberg, Murabito, Willenberg, Youle

Staff Members Present: Kurt Schroeder, Deb Legge, Maria Bias, Paul Hays, Darlene Hultman, Laura Hernandez, Elaine Hammons

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Murabito on Monday, January 8, 2007, at 1:31 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

1. Approval of the Minutes of the December 4, 2006, meeting.

A motion was made by Board Member Willenberg to approve the minutes of the December 4, 2006, meeting as submitted. Board Member Coonrod seconded the motion. The motion carried, unopposed.

2. Approval of the January, 2007, license examination application as follows:

<u>Name</u>	<u>Class</u>	<u>Test Date</u>
Keith Ludwig	Roofing & Siding	January 2007
Willis Hizar	Roofing & Siding	January 2007
Tony Tomlin	Roofing & Siding	January 2007
Mark Phillip Ray	Roofing & Siding	January 2007
Dennis Westbrook	Class D Maintenance	January 2007
Lawrence Witte	Class D Maintenance	January 2007

Board Member Hentzen made a motion to approve the applications for testing. The motion was seconded by Board Member Banuelos. The motion passed unopposed.

Chairman Murabito requested that the Board Members and City staff introduce themselves to citizens in attendance.

3. Condemnation Hearings

1. 2305 North Waco

Currently in California, the owner, Mr. Gilbert Moreno, represented this property by letter.

This structure is a one-story frame dwelling about 26 X 44 feet in size. Vacant and open, this structure has broken and missing asbestos siding shingles; the composition roof is badly deteriorated; the concrete front porch is badly deteriorated; there are broken windows; there is rotted wood trim. The 12 X 20 foot accessory garage and two accessory sheds, 8 X 8 foot in size and 12 X 8 foot in size, are deteriorated.

The case was initiated in 1995, and was tenant occupied at the time. There were some interior violations and minor exterior violations. There were several notices issued, and then the owner vacated the property and kept it secured. Over the years, the property began to decline and in February of 2003, the first of several notices was issued to repair the exterior. A Pre-condemnation letter was sent on June 13, 2006, along with a notice to secure.

In his letter to the Board, Mr. Moreno told the Board that he intended to comply with the notices to repair the property. He explained that he had recently endured some family hardships during that previous eighteen months, which had consumed most of his time and resources. He conveyed his intent to occupy the property when he retired, and requested that the Board defer action on the property until he was able to formulate a plan for repair. In the meantime, he has arranged for someone locally to maintain the property in a secure and clean condition.

Board Member Youle made a motion to allow thirty days for the owner to prepare a schedule for repairs, maintaining the property in a clean and secure condition in the interim. Board Member Coonrod seconded the motion. The motion carried, unopposed.

2. 2234 North Woodland

There was no one present to represent this property.

This one-story frame and brick dwelling, approximately 25 X 33 feet in size, has been vacant for over a year. This structure has badly deteriorated brick walls, badly deteriorated composition roof with holes; exposed, rotted roof rafters; cracked concrete porches; and rotted fascia and wood trim.

The case was started in 2002 and was owner occupied at that time. This case has been in court numerous times; the owner no longer lives at the property due

to health issues. In 2006 the case was in court again, and the judge directed Central Inspection staff to pursue condemnation proceedings.

A motion was made by Board Member Coonrod to send the property to City Council for condemnation action, ten days to start demolition and ten days to complete demolition. Board Member Hentzen seconded the motion. The motion carried without opposition.

3. 1021 North Spruce

Tonia Fitzpatrick was present on behalf of this property.

This is a one-story frame dwelling about 24 X 45 in size. It is vacant and open; it has badly shifting, collapsing basement walls. There are broken and missing asbestos siding shingles; the composition roof is badly deteriorated; the wood porches are deteriorated and rotting; there are exposed framing members and rotting wood trim.

The active file was started on this property on October 7, 2003. Several notices were issued, and on January 22, 2004, a Uniform Criminal Complaint was issued to the local manager of the property. At the April 12, 2004, court appearance, the defendant failed to appear and a bench warrant was issued. Subsequent notices were issued after that court date, including a Pre-condemnation letter, which was issued on November 13, 2006.

The taxes for 2006 are due in the amount of \$1,441.93, which includes special assessments. There are overgrown bushes in the rear of the property; there have been no repairs to the structure, and it is still open.

Ms. Fitzpatrick explained that the property was purchased with the intent to remodel it and rent it out. Since the purchase, Ms. Fitzpatrick told the Board that she had suffered a serious illness, which had caused her to be hospitalized much of the past year. Due to her illness, Ms. Fitzpatrick said that she had been unable to work for the past six months, and that had limited the funds available to begin work on the structure. In the meantime, Ms. Fitzpatrick said that she had arranged for the structure to be boarded up until she could start the repairs.

Additionally, Ms. Fitzpatrick informed the Board that the only notice she had ever received regarding the property was the letter sent by Central Inspection, advising of the condemnation hearing for January 8, 2006. She said that her husband had received several calls, and when she asked if she could assist in some way since her husband was incarcerated, the caller told Ms. Fitzpatrick that they would have to speak to Mr. Fitzpatrick. She indicated that she didn't know for certain if the calls were regarding the property in question.

Ms. Fitzpatrick said that she has thirty properties, and this particular property is the only one in disrepair. She expressed concern that there was confusion about a neighboring lot that she did not own but for which she had mistakenly been

taxed in the past. Ms. Fitzpatrick asserted her wish to repair the structure, and hoped that she would be given an extension of time to do so.

Board Member Youle inquired whether Ms. Fitzpatrick had received any estimates on the amount of money it might take to renovate the property. She said that the person that usually does repair work on her properties gave her a verbal estimate of about \$9,500 - \$11,000; however, his estimate also included the construction of an addition.

Board Member Youle asked if Ms. Fitzpatrick thought she had the funds available to do the required work on the structure. Ms. Fitzpatrick admitted that she currently did not have the monies due to her recent inability to work; she was reluctant to put a great deal of money into the property with her tenuous work situation. The taxes were paid earlier in the day, prior to the meeting, Ms. Fitzpatrick told the Board.

Mr. Schroeder asked Ms. Fitzpatrick whether the estimate she received include both interior and exterior repairs. Ms. Fitzpatrick confirmed that it was for all repairs. He suggested that she get a breakdown of the repair costs, separating the exterior items from the interior work. Board Member Youle clarified that the Board's concern was the exterior of the structure and the site. Ms. Fitzpatrick determined that she could have the exterior work completed within six months. Board Member Youle observed that the Board could only allow ninety days at most. Ms. Fitzpatrick said that she felt that she could make the arrangements to have the exterior work done in ninety days.

Board Member Youle made a motion to allow thirty days for Ms. Fitzpatrick to establish a plan of action and a timetable for completing the exterior repairs, and then reappear to update the Board on her findings. In the meantime, the property is to remain secure and clean. Board Member Hentzen seconded the motion. The motion passed.

4. 1151 North Spruce

This property was represented by Audrey Tomatt.

Ms. Tomatt informed the Board that she had purchased the property at the Sheriff's auction on August 16, 2006. She went on to say that she had cleaned the site of trash and debris; and she had boarded the structure. Ms. Tomatt said that she intended to remodel the structure and use it as a rental property. She assured the Board that she intended to use licensed subcontractors for the work on the property. The estimate for repairs is approximately \$15,000, but that will increase somewhat if further inspection of the basement walls reveals that more extensive repair is necessary.

Chairman Murabito inquired about the time frame for the repairs. Ms. Tomatt explained that she hoped to complete the interior of another property that she

owns in order to rent it out, providing a cash flow that would help in renovating the property currently being considered for condemnation by the Board. She anticipated that it would be about two months before they could begin work on the property; she added that she would be willing to make the exterior repairs first.

Board Member Banuelos made a motion to allow sixty days to begin the exterior work, obtain any required permits, and maintain the site in a clean and secure condition, and to reappear before the Board to provide an update on the status of the property if the work is not completed. Board Member Hentzen seconded the motion. The motion was unanimously approved.

5. 2602 East 27th

The property was represented with a letter from Klausmeyer Construction.

The owner indicated that the structure would be demolished as soon as the electrical service is removed and a wrecking permit is issued.

Board Member Hentzen made a motion to allow thirty days for the owner to raze the structure; if the structure is not demolished within that time frame, the property will be referred to the City Council for condemnation action, ten days to start demolition and ten days to complete demolition. Board Member Youle seconded the motion. The motion carried without opposition.

6. 818 South Emporia

Javier Galindo represented this property.

Approximately 22 X 52 feet in size, this one-story frame dwelling has been vacant for about eighteen months. There is deteriorated and missing wood lap siding; the rear porch is badly dilapidated; there are exposed framing members; the rear porch cover is deteriorated; the wood trim is also deteriorated. An accessory building, measuring about 10 X 18 feet, is deteriorated.

On February 21, 1996, the active case was initiated on this property. At that time, the property was occupied. A Pre-condemnation letter was issued in January of 2003; the owner contacted Central Inspection and then obtained a roofing permit. The owner indicated that he would get a loan to have the roof repaired.

After numerous notices, a Uniform Criminal Complaint was issued on May 17, 2006, but has not been served. On September 19, 2006, a Pre-condemnation letter was issued. The 2006 taxes are due in the amount of \$146.85. There is trash, bulky waste, tree limbs and debris on the premises. A permit that had been posted on site had expired in 1993. There has been some recent painting on the front and south half of the exterior of the house.

With Ms. Laura Hernandez, Central Inspection, translating for him, Mr. Galindo said that he had sold the property on contract. The young woman to whom he had sold the property was supposed to maintain the premises. Since the sale, the contract buyer has defaulted and the property has reverted to Mr. Galindo. He is uncertain what the contract buyer plans to do; however Mr. Galindo would like to make the repairs. He has boarded up the windows and is willing to clean up the site. If the contract buyer decides that she doesn't want the property, Mr. Galindo would like the opportunity to make the needed repairs and keep the property. He has also paid the delinquent taxes.

Board Member Coonrod made a motion to allow thirty days to consult with the contract buyer and determine her intentions, whether to purchase the property and meet the code requirements; and then reappear before the Board with a plan of action and maintaining the site in a clean and secure condition in the meantime.

Mr. Galindo inquired whether he could start working on the property prior to his return before the Board. Board Member Coonrod confirmed that Mr. Galindo could begin the work if he planned to keep the property.

Mr. Galindo asked whose responsibility it was to maintain the property. Mr. Schroeder replied that it was the property owner, which in this case, would be Mr. Galindo as the underlying holder of the title.

Board Member Youle asked Mr. Galindo if he had the list of needed repairs. Mr. Galindo responded that he had not received any of the Notices of Improvements nor the Notices of Violation. Mr. Galindo then questioned whether he should just call Central Inspection if the exterior repairs are made prior to the thirty-day extension. Ms. Legge suggested that Mr. Galindo wait and reappear before the Board as instructed.

Chairman Murabito restated the motion by Board Member Coonrod and requested that Board Member Banuelos repeat the motion in Spanish for Mr. Galindo.

Board Member Hentzen seconded the motion. The motion carried unanimously.

7. 1412 South Waco

This property was represented by Kent Lewis.

This one-story frame dwelling is about 22 X 58 feet in size; it is vacant and open. The block foundation is shifting; there is rotted and missing wood lap siding; the composition roof is badly deteriorated; the wood trim and wood porches are dilapidated; and the 21 X 30 foot accessory apartment is deteriorated.

The active file was started on this property on December 21, 2004. Several notices were issued since that time; a Pre-condemnation letter was issued on

June 21, 2006. The taxes for 2005 and 2006 are delinquent in the amount of \$742.14. There is bulky waste and debris on the premises. A neighbor has apparently been using the structure for storage and for garage sale items. Ms. Bias met with the neighbor on site and advised them to remove their belongings from the property.

No repairs have been made to the property. The main structure is open, however, the rear structure is secure.

Mr. Lewis told the Board that he intended to make the necessary repairs to the property. He said that a neighbor had called him before Christmas and had asked if she could use the porch of the main structure for some garage sale items that she wanted to sell. When Mr. Lewis visited the site, he found that the porch was stacked with the neighbor's belongings. The neighbor had also used interior of the house to store additional personal property.

When he first purchased the property, Mr. Lewis explained, he had planned to fix up the structures and either rent it or sell it. Since buying the property, he said that he had encountered some serious health issues that had prevented him from beginning any of the repairs. Now that he has had a measure of recovery, Mr. Lewis has had all of the junk removed from the premise, and has not authorized any further use of the property. Until receiving the letter advising him of the January 8, 2007, hearing, Mr. Lewis told the Board that he had not received any other notice regarding the property. After contacting the area inspector, Mr. Lewis learned that the notices had been sent to the property address; also, the notices that had been posted at the site had been removed prior to the owner's seeing them. There had also been problems with vandalism; the windows and doors had been broken out.

Mr. Lewis informed the Board that he had already purchased the siding and replacement windows for the rear structure. He said that the front structure had been secured and he had installed a new metal front door the Saturday prior to the hearing. Mr. Lewis said he planned to replace the windows and would remove the dilapidated front and side porches and build new porches on the front house. He also would repair the siding on the front house and repaint it, and would also reroof it. The delinquent taxes had been paid, and Mr. Lewis had a receipt for the payment.

Chairman Murabito asked the amount of time that Mr. Lewis would need to bring the exterior of the structures into compliance. Mr. Lewis asked that he be granted ninety days, weather permitting, to reroof, replace the porches, and begin painting.

Board Member Coonrod made a motion to allow ninety days for the structures to be brought into code compliance, maintaining the property in a clean and secure condition, or reappear before the Board. Board Member Youle seconded the motion. The motion was approved.

8. 1927 South Mosley – Front
9. 1927 South Mosley – Rear

There was no one in attendance to represent these properties.

The front property is a one-story frame dwelling approximately 26 X 32 feet in size; it has been vacant for two years. The structure has shifting basement walls; the composition roof is deteriorated; the concrete porches are deteriorated; the wood trim is deteriorated.

The rear property is a one-story masonry and frame dwelling about 20 X 28 feet in size. The property has been vacant for two years. The structure has deteriorated wood siding; the composition roof is deteriorated; deteriorated concrete porches; deteriorated wood trim and 10 X 10 foot metal shed is dilapidated.

The active file on these properties was started on March 8, 2004. Numerous notices have been issued and have received no response. There has been no change. The taxes for 2005 and 2006 are delinquent for both structures.

Board Member Youle made a motion to refer both properties to the City Council for condemnation action, ten days to start demolition and ten days to complete demolition. Board Member Coonrod approved the motion. The motion was approved.

10. 500 North Clara

There was no one representing this property at the hearing.

A one-story frame dwelling about 20 X 37 feet in size, this property is vacant and open. The structure has deteriorated wood siding; badly deteriorated composition roof with missing shingles and holes; a deteriorated rear concrete porch; and there is rotted wood trim. The 4 X 12 foot attached and 6 X 14 accessory sheds are dilapidated.

Board Member Banuelos made a motion to send the property to the City Council for condemnation action, ten days to start demolition and ten days to complete demolition. Board Member Willenberg seconded the motion. The motion carried, unopposed.

11. 7412 West Hale

There was no representative in attendance for this property.

A one-story masonry dwelling, this structure is approximately 31 X 55 feet in size. It has been vacant for eighteen months. The dwelling has deteriorated vinyl siding; the flat roof leaks and is badly deteriorated with missing roof covering and holes; the front concrete porch is deteriorated; there is rotted fascia and wood

trim; there are fallen interior ceilings, which are covered with mold; the 10 X 10 foot gazebo is deteriorating.

There has been an active case on this property since June of 2004. The 2006 taxes are due in the amount of \$606.83. The premise conditions are fair.

Board Member Willenberg made a motion to refer the property to the City Council for condemnation action, ten days to start demolition and ten days to complete demolition. Board Member Youle seconded the motion. The motion carried.

3. Overview of proposed amendment package for IBC 2006 presented by Paul Hays.

Mr. Hays provided a written overview of the major changes between the 2000 and the 2006 International Building Code, and a written explanation of the proposed amendment package to the 2006 International Building Code.

For the most part, Mr. Hays noted, the 2006 IBC was a “clean up” of problem areas from the 2000 IBC and 2003 IBC. Although there are a few instances in which the amendments would be more restrictive, overall, the proposed amendment package is less restrictive than the model code. One example of the less restrictive provisions is in the case of the automatic sprinkler requirements for restaurants and clubs. Rather than follow the national standard, the proposed amendments mirror the current City standard, which is less restrictive from a capacity standpoint.

Board Member Coonrod inquired whether the Wichita Fire Department supported the amendment that would increase the occupant load from 100 to 300 before triggering the requirement for automatic sprinklers. Mr. Hays confirmed that the Wichita Fire Department was in favor of the increased occupant load and was of the opinion that the new standard of 100 was too restrictive. The decreased occupant load would require smaller restaurants, such as fast food establishments, to be sprinklered. Additionally, the Fire Department viewed the change to 100 as a reactionary change due to the recent loss of life fires in other states.

The requirement for automatic sprinklers in hotels/motels would be considered more restrictive; however, Mr. Hays observed that the Rehab Code would allow an existing facility to be non-conforming unless that building underwent an extensive remodel

Board Member Coonrod made a motion to approve the proposed amendments for recommendation for acceptance to the City Council. Board Member Willenberg seconded the motion. The motion was approved.

4. Overview of proposed amendment package for IRC 2006 presented by Darlene Hultman.

Prior to Ms. Hultman's review of the proposed amendment package for the IRC 2006, Mr. Billy Gray of Gray Construction, a member of the Board of Directors of the Wichita Area Builders Association, briefly addressed the Board. He told the Board that he felt that the proposed changes were supported by the members of the Wichita Area Builders Association.

Ms. Hultman noted that one of the proposed changes involved a clarification of what is considered a "continuous handrail." The new verbiage allows that a continuous handrail following the stairway may have a return and then start over, such as in the case of an offset, and would still be considered "continuous."

Another provision removes the requirement for "field treatment" when treated wood must be cut for a plate, for example, and the cut end is no longer treated. The amendment would eliminate the requirement for treating the ends.

The section on shear walls has been modified to allow for three different options available to the contractor. The requirements in the code book were not changed; however, a committee has designed a standard for shear walls that includes a diagram, which can be used in lieu of the specifications in the code book. A third option allows for an engineer-designed shear wall.

The requirement for wrapping the structure has been re-instated because the producers of boxing, even though it is marked as "water resistant," indicated that they would not stand behind the product without the wrapping. It was determined by the code committee that the wrapping requirement in the 2006 IRC was to the benefit of the contractor.

Board Member Hentzen inquired about the necessity of the wrap. Ms. Hultman said that the requirements in the 2006 IRC would remain as written.

Section 161 would adopt the mechanical chapters (13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 28) rather than delete them, as was the previous practice. The inclusion of these chapters would allow a more centralized code reference.

Board Member Coonrod made a motion to approve the proposed amendments for recommendation for acceptance to the City Council. Board Member Hentzen seconded the motion. The motion carried.

With no other business to conduct, Board Member Willenberg made a motion to adjourn. Board Member Coonrod seconded the motion. The motion was approved.

The meeting was adjourned at 2:54 p.m.